

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	§	Chapter 11
	§	
SERTA SIMMONS BEDDING, LLC,	§	Case No. 23-90020
<i>et al.</i> ,	§	
	§	
Debtors.¹	§	(Jointly Administered)
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	§	
SERTA SIMMONS BEDDING, LLC,	§	Adversary Proc. No. 23-09001
<i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	
	§	
AG CENTRE STREET PARTNERSHIP	§	
L.P., et al.,	§	
	§	
Defendants.	§	
-----	§	

ORDER (I) APPROVING PLAINTIFFS' PROPOSED DISCOVERY SCHEDULE
AND (II) AFFIRMING DEPOSITION LIMITS

Upon the motion filed by Serta Simmons Bedding, LLC (“**Serta Simmons Bedding**”) and its debtor affiliates in the above-captioned chapter 11 cases, (the “**Motion**”), for an order (i) approving Plaintiffs’ Proposed Discovery Schedule and (ii) affirming deposition limits,

¹ The Debtors in these Chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are as follows: Dawn Intermediate, LLC (6123); Serta Simmons Bedding, LLC (1874); Serta International Holdco, LLC (6101); National Bedding Company L.L.C. (0695); SSB Manufacturing Company (5743); The Simmons Manufacturing Co., LLC (0960); Dreamwell, Ltd. (2419); SSB Hospitality, LLC (2016); SSB Logistics, LLC (6691); Simmons Bedding Company, LLC (2552); Tuft & Needle, LLC (6215); Tomorrow Sleep LLC (0678); SSB Retail, LLC (9245); and World of Sleep Outlets, LLC (0957). The Debtors' corporate headquarters and service address for these chapter 11 cases is 2451 Industry Avenue, Doraville, Georgia 30360.

or in the alternative, to schedule a status conference, and the exhibits attached thereto; and this Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. § 1334; and consideration of the Motion and the requested relief being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided; and such notice having been adequate and appropriate under the circumstances, and it appearing that no other or further notice need be provided; and this Court having reviewed the Motion; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT

1. The Motion is **GRANTED**.
2. The dates and deadlines proposed in connection with Plaintiffs' Proposed Discovery Schedule, as defined in the Motion and attached hereto as Exhibit A, are hereby approved.
3. The defendants in the Adversary Proceeding may not, collectively, conduct more than ten total depositions. The plaintiffs in the Adversary Proceeding likewise may not, collectively, conduct more than ten total depositions.
4. Failure to comply with any of the dates or deadlines set forth in the Plaintiffs' Proposed Discovery Schedule shall be a waiver of the applicable event by the non-complying party. A party may agree with any other party or parties to waive or modify any of the dates or deadlines set forth in Plaintiffs' Proposed Discovery Schedule by stipulation among the relevant parties or order of the Court.
5. Notwithstanding anything to the contrary herein, the Confirmation Hearing may be continued from time to time by the Debtors or the Court without further notice other than

adjournments announced in open court or in the filing of a notice or a hearing agenda in these chapter 11 cases. The adjourned hearing date or dates will be available on the electronic case filing docket.

6. The Plaintiffs' Proposed Discovery Schedule shall govern confirmation of the Plan and adjudication of the Adversary Proceeding. Nothing set forth herein or in the Motion shall be deemed to impair the ability of the parties to seek Court approval of other dates and deadlines with respect to the Confirmation Hearing, Adversary Proceeding, or related proceedings.

7. Other than as provided herein, the Debtors may amend or modify the terms of this Order, subject to the Court's availability and, in agreement with any party directly and adversely affected by the amendment or modification, without further order by the Court upon filing written notice of such amendment or modification with the Court or by the Court for good cause shown.

8. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

9. The Debtors are authorized to take all action necessary or appropriate to carry out the relief granted in this Order.

10. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

Dated: _____, 2023

Houston, Texas

DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE

Exhibit A

Plaintiffs' Proposed Discovery Schedule

Serta Confirmation & Adversary Proceeding Schedule¹

Action Item	Deadline
Defendants to file any amended/new counterclaims on the implied covenant of good faith and fair dealing	April 7, 2023 (as already agreed to by the parties)
Parties to serve any limited additional written or document discovery; parties to identify intended deponents	By April 10, 2023
Defendants/Counterclaimants/Third-Party Plaintiffs to provide FRCP 26(a)(1)(A)(iii) disclosures for any counterclaims – calculation of damages and supporting materials [Other Rule 26(a) disclosures already covered by interrogatory responses]	April 19, 2023
Parties to identify the names and backgrounds of affirmative expert witnesses they intend to use at confirmation and high level topics they anticipate such expert witnesses to be covering	April 20, 2023
Defendants to identify “may call” fact witnesses	April 21, 2023
Parties substantially complete limited additional written or document discovery, including supplementing or revising existing disclosures	April 21, 2023
Fact depositions begin (no earlier than)	April 24, 2023
Affirmative expert disclosures	April 24, 2023
Rebuttal expert disclosures	May 3, 2023
Confirmation objection deadline	May 4, 2023
Fact depositions to conclude (no later than)	May 5, 2023
Expert depositions to occur	May 5 – May 9, 2023
Exchange proposed witness & exhibit lists	May 5, 2023
Exchange proposed deposition designations	May 8, 2023
Exchange objections to proposed exhibit lists	May 9, 2023
Exchange deposition counter-designations	May 10, 2023
Parties to meet and confer on exhibits that can be admitted by stipulation	May 10, 2023
File briefs in support of confirmation, pre-trial briefs on good faith and fair dealing claims (if not covered in confirmation briefing), witness & exhibit lists, and deposition designations	May 12, 2023
Confirmation Hearing commences, including trial on implied covenant and DQ claims	May 15, 2023

¹ Certain deadlines have passed since Plaintiffs sent Defendants the Proposed Discovery Schedule. Accordingly, Plaintiffs have adjusted the Proposed Discovery Deadlines to provide new dates for those deadlines.